

REMARKS

The Applicants thank the Examiner for the thorough consideration given the present application. Claims 1-3, 5-11, and 14-17 are currently being prosecuted. Claim 9 is amended. Claims 1 and 9 are independent. The Examiner is respectfully requested to reconsider her rejections in view of the amendments and remarks as set forth herein.

Allowable Subject Matter

In the Office Action, the Examiner states that claims 1-3 and 5-8 are allowed. Further, the Examiner stated that claims 16 and 17 would be allowable if rewritten in independent form including all of the limitations of the base and any intervening claim.

As noted below, rather than rewriting dependent claims 16 or 17 as independent claims at this time, independent claim 9 is amended herein to include a novel combination of elements not taught or suggested by the references cited by the Examiner.

Rejection under 35 U.S.C. §102(b)

Claims 9-11, 14, and 15 stand rejected under 35 U.S.C. §102(b) as being anticipated by Ichikawa et al. (U.S. 5,620,217). This rejection is respectfully traversed.

While not conceding the appropriateness of the Examiner's rejection, but merely to advance the prosecution of the present application, independent claim 9 is amended herein to recite a combination of elements directed to a shock absorbing structure for a vehicle including a ceiling wall of said shock absorbing member, the ceiling wall being formed with

C

an inclined upper surface and being positioned so as not to block a forward viewing area of an operator of the vehicle.

Full support for the novel combination of elements set forth in independent claim 9 can be found in the specification, for example in paragraphs [0026], [0035], and [0036]. See also FIG. 2, which clearly illustrates ceiling wall 23 of the shock absorbing member 21, the ceiling wall 23 having an inclined upper surface.

The Applicants respectfully submit that Ichikawa et al. fails to disclose a ceiling wall of the shock absorber. Instead, as can be readily seen in FIGS. 1 and 2, Ichikawa et al. merely discloses a front bumper 45 of an open tubular construction. There is no teaching or suggestion whatsoever in Ichikawa et al. of a ceiling wall, and there is no teaching or suggestion of such a ceiling wall having an inclined upper surface, as set forth in independent claim 9 as amended herein.

Therefore, independent claim 9, and the claims depending therefrom, are in condition for allowance. Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. 102(b) are respectfully requested.

All claims of the present application are in condition for allowance.

CONCLUSION

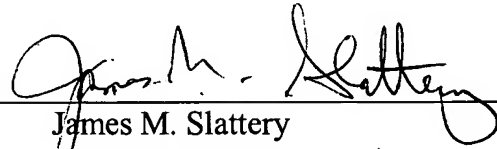
All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.

C

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Carl T. Thomsen (Reg. No. 50,786) at (703) 205-8000.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,
BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
James M. Slattery
Reg. No. 28,380

0505-0949P
JMS:CTT:mua/jeb

P. O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

C